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Excessive Absences

“When are you coming back to work?”

Do you have an employee who is absent from work so frequently that his/her leave balances are zero and he/she has accumulated hundreds of hours of LWOP? Have you ever wondered when that employee was going to return to work on a regular basis (or return to work at all!)?

An agency can expect an employee to be regular in attendance.

There is no question that excessive absences from duty have a direct impact on the efficiency of the agency. The work assignments the employee would be doing are either given to another employee to accomplish or, worse yet, are not being accomplished. These situations can lead to an overworked staff and/or unhappy customers. **It is important that you contact your servicing employee relations specialist for advice when an employee's absences become excessive.**

Consider this scenario: *Natalie Seldimheer has worked for you for over 15 years. Recently, Ms. Seldimheer had a serious illness that required her absence from the workplace for six months. During this absence she exhausted her annual and sick leave balances, and you approved her request for approximately 320 hours of leave without pay (LWOP). She had completed her treatments, returned to work full time and seemed to be on the road to full recovery, when she suffered a relapse and was again out of work for an additional six months. During this second absence she used donated leave and approximately 400 hours of LWOP. Ms. Seldimheer has a legitimate illness and provides sufficient medical documentation to substantiate her absences. Her absences are beyond her control, and your approval or disapproval of her leave/LWOP requests is immaterial because Ms. Seldimheer cannot work. You expected Ms. Seldimheer to return to work last week; however, she has provided additional medical documentation stating that her absence from work is indefinite. You sympathize with Ms. Seldimheer and want to approve her requests for leave/LWOP; however, you need an employee in the position she holds who can be regular in attendance. The bottom line is the work needs to get done.*

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Excessive Absences (Continued)

If one of your employees has excessive absences that could soon resemble Ms. Seldimheer's situation, the following are several steps you can take, with the close guidance of your servicing employee relations specialist:

- 1) Determine whether or not the employee was absent for compelling reasons beyond his/her control so that the agency's approval or disapproval of leave requests was immaterial because the employee could not be on the job.
- 2) Total the different types of leave the employee used (remember that LWOP is an approved absence) and determine whether the absences continued beyond a reasonable time.
- 3) Notify the employee that he/she is expected to return to work. Your servicing employee relations specialist will assist you in preparing this letter to ensure it contains the appropriate notification and warning to the employee.
- 4) Determine whether or not the position needs to be filled by an employee available for duty on a regular, full-time basis.

Your sympathy towards an employee in this situation is understandable. You are reminded that management has a responsibility to maintain the efficiency of the service. The employee's excessive absences must be addressed if there is no foreseeable end to the employee's excessive absences and his/her absences create a burden to the agency. Your servicing employee relations specialist will be happy to provide you with the options available to you in addressing an employee's excessive absences.

Not So Excessive Absences & AWOL

If the absences are not as extreme as in Ms. Seldimheer's case, you may correct the situation with a leave restriction letter. (See the article "*Sick Leave Abuse*" and the sample leave restriction letter in the **March 2005 Bulletin**.)

If you have charged one of your employees with being absent without leave (AWOL) due to a failure to report to work or call in to request leave; a failure to provide sufficient medical documentation to substantiate an absence; or a failure to follow the instructions in a leave restriction letter, contact your servicing employee relations specialist for advice. You may want to read the article "*Absence Without Official Leave*" in the **December 2003 Bulletin**.

If you think it's hard to meet new people, try picking up the wrong golf ball.

- Jack Lemmon

"HIS BEHAVIOR WAS THREATENING, INTIMIDATING AND JUST PLAIN OBNOXIOUS"

We see a lot of this language in the documentation we receive. So what's wrong with that? Well, nothing to a point. The problem is that although terms like "threatening," "intimidating," and "obnoxious" express a person's feelings about a particular incident or behavior, they do not convey the "what happened" details that we need to determine what the employee actually did, and how serious it was. And while there are times that it is important to know that a person felt threatened or intimidated by a certain behavior, it is critical to know exactly what kinds of actions or words led the person to believe that the behavior was threatening or intimidating. For example, was the person waving his arms, shouting at the top of her lungs, in the other person's face (e.g. approximately how close were they standing to each other?), pushing the other person, or using inappropriate language (which also needs to be identified as specifically as possible)? These facts help create a picture that gives the reader a basis for determining if the behavior could be reasonably characterized as "threatening."

Other terms that we often see are "foul language or swearing," "immoral," "embarrassing," "horsing around," "teasing," and "harassing." Again, all these terms need to be described in enough detail to give the reader a good understanding of what happened. Remember that when you document a particular behavior or incident, you are painting a picture for the reader – in this case, a picture made of words. These words describe **what** happened, **who** was involved, and **where** and **when** the incident occurred. The more accurately you can describe these details, the more likely your efforts to resolve the problem will be successful.

DON'T DELAY!!

Let's be honest. When we have a problem, isn't our first inclination to hope that it will just go away? Whether we are dealing with defective appliances in our house, or defective employees at work, we always hope that the problem will disappear without us doing anything. Generally, however, employee problems don't disappear on their own any more often than defective appliances fix themselves. Could happen, but probably best not to bet the farm on it.

To solve a problem, we normally have to first confront it. The longer we take to do this, the more serious the problem generally becomes. When nothing is done to deal with misbehavior, an employee who may have initially been just an irritation gradually (or suddenly) becomes a full-fledged, three-alarm disaster, affecting everyone in the work unit. And other employees who were once just bystanders often become problems themselves when they don't see any consequences for misbehavior.




So if you are just waiting and hoping for a problem to disappear, you might want to consider a different strategy – calling your employee relations specialist for assistance. The earlier you deal with a problem, the more likely that it will be satisfactorily resolved.

They say golf is like life, but don't believe them. Golf is more complicated than that.

- Gardner Dickinson

THE BULLETIN BOARD



 **STAFF CHANGE.** We have had more staff changes this quarter. **Randy Warren** accepted a position with another agency. Randy was handling cases for APHIS, Veterinary Services – Western Region. His replacement is **Eric Williams**. Eric is located in Minneapolis. **Dennis McPeters**, Chief, Labor Relations Branch - AMS/GIPSA Employee Relations Branch, has accepted a promotion with another Federal agency. **Beth Blackwood** will serve as the Acting in this position. **Please note also that we have had several telephone number changes.**

THE ETHICS CORNER

USDA EMPLOYEE EMERGENCY RELIEF FUND



Employee Education and Assistance Fund (FEEA), which will allow USDA employees to make financial donations to the “USDA Employee Emergency Relief Fund.” All financial donations to the USDA Employee Emergency Relief Fund will go to USDA employees. FEEA is a private, not-for-profit 501(c)(3) tax-exempt corporation that provides educational benefits and emergency assistance exclusively to civilian federal employees and their dependents. FEEA will account for the donations and administer the grant and loan programs. Employees may make financial donations to this fund at any time, but the employees should make certain to designate their donations for the USDA Employee Emergency Relief Fund.

Listed below is information from the FEEA web site on the USDA Employee Emergency Relief Fund:

The USDA Employee Emergency Relief Fund provides emergency financial assistance and educational assistance to USDA employees and their families facing natural disasters or personal crisis. The Fund provides financial assistance in the form of tax-free grants and/or no-interest loans to eligible USDA employees and their families who suffer loss as a result of an uninsured personal crisis, emergency, or natural disaster causing injury to life or damage to property. . . Donations to the fund are tax deductible to the full extent of the law and may be made by sending a check to **FEEA USDA EMPLOYEE EMERGENCY RELIEF FUND, 8441 W. Bowles Avenue, Suite 200, Littleton, CO 80123-9501** or by credit card via the FEEA’s web site www.feea.org or by calling FEEA at 303-933-7580 or 1-800-323-4140. On the web site:

- Click the ““GIVE”” button at the top of any page
- Choose USDA Fund from the drop-down list of programs at the top of the form
- Complete the form as instructed on the site

If you are going to throw a club, it is important to throw it ahead of you so you don’t have to waste energy going back to pick it up.

- Tommy Bolt



the Quiz



It is time for the ever popular ERBBHSRQ (Employee Relations Branch Bulletin Honor System Reader Quiz). This year we had planned to raise some money so that we could offer the ERBBHSRQ online, but the planned Employee Relations “Craft and Bake Sale” raised some ethics issues. Therefore, we will once again need to rely on the honesty and integrity of our good readers to use the “honor system,” as we have done in the past (see **March 2004** and **March 2005** Bulletins). As before, you should use the following *Scoring Matrix* to determine how well or badly you did. If you do not do well (i.e., you are ER-challenged), we have again provided some extra credit questions to provide you an opportunity for redemption.

QUESTIONS

1. If an employee has a low leave balance, it could be a basis for placing him/her on leave restriction. **T F**
2. Temporary employees who are terminated from their positions can grieve or appeal the action. **T F**
3. Name three of the six occasions when an employee may be asked to provide medical information.
4. What is the guiding principle when determining what medical information to ask an employee to provide?
5. Generally employees cannot give gifts to their supervisors, nor can supervisors accept such gifts. Name three exceptions.
6. A true performance problem exists when an employee _____ perform his/her assigned duties.
7. You must wait until an employee’s formal performance appraisal is due to make a determination regarding his/her performance. **T F**
8. If an employee demonstrates acceptable performance during the Performance Improvement Period, an agency cannot extend the period. **T F**
9. Describe the manager’s/supervisor’s role in the disciplinary process.
10. “Arachibutyrophobia” is the “fear of employees stealing office furniture.”

THE SCORING MATRIX

<u>Your Score</u>	<u>What It All Means</u> (your score, that is)
8 – 10	You could be an employee relations specialist.
5 – 7	You could aspire to be an employee relations specialist.
2 – 4	You need some work, but all is not lost.
0 – 1	You are ER-challenged - your only hope is the extra credit questions on the next page.

(Turn the page for the Answers)

ANSWERS

1. *True.* A low leave balance is one of the factors that can be considered when placing an employee on leave restriction. The other common factor is the repeated use of sick leave, usually one or two days at a time, when there is no evidence of a serious or disabling medical condition.
2. *False.* Temporary employees can file discrimination complaints, but they have no appeal or grievance rights.
3. See the list of six circumstances described in the **June 2005 Bulletin**.
4. The guiding principle when seeking medical information from employees is that the information be necessary to making an appropriate business decision, but no more.
5. See the list of exceptions noted in the **June 2005 Bulletin**.
6. *Cannot*
7. *False.* This determination can be made as soon as an employee has been under his/her standards for 90 days.
8. *True.* However, if an agency is unable to properly evaluate an employee's performance during the original time set (e.g. if applicable work is not available), it may be justified in extending the PIP.
9. The manager's/supervisor's role in the disciplinary process is described in the **September 2005 Bulletin**.
10. *Of course not!!* Everyone knows that "arachibutyrophobia" is the "fear of peanut butter sticking to the roof of your mouth." See the **September 2005 Bulletin**.

EXTRA CREDIT QUESTIONS

Last year several people informed us that the extra credit questions we gave them in the March 2004 quiz were too easy. To correct this problem, we tried to provide more challenging questions last year. As might be expected, several of our readers thought that these questions were too hard, so once again we have listened to our readers' complaints (I mean, concerns), and this year have provided a different kind of question. Although these questions do not have right or wrong answers in the typical sense, we believe that most of our readers will know if they "passed" or "failed." You must answer at least one question "correctly" to achieve full redemption for your performance on the quiz. Good luck to all of you!

1. If I think too hard, my eyes hurt. **T F**
2. I feel compelled to look in people's medicine cabinets. **T F**
3. My car won't start on purpose. **T F**
4. People at work steal my pens. **T F**
5. The light changes to red when it sees me coming. **T F**

New Year's Healthy Lifestyle Resolutions

For many of our readers, those well-intentioned New Year's "healthy lifestyle" resolutions are distant memories. French fries have replaced salads, triple chocolate shakes have replaced – well, you get the point. We decided that our readers needed a little good news to help them overcome their annual guilt trip, so we have included some dietary questions and answers that we recently ran across that may brighten your day.

Q: I have heard that cardiovascular exercise can prolong life. Is this true?

A: Your heart is only good for so many beats, and that's it...don't waste them on exercise. Everything wears out eventually. Speeding up your heart will not make you live longer; that's like saying you can extend the life of your car by driving faster. Want to live longer? Take a nap.

Q: Should I cut down on meat and eat more fruits and vegetables?

A: You must grasp the logistical efficiencies here. What does a cow eat? Hay and corn. And what are these? Vegetables. So a steak is nothing more than an efficient mechanism for delivering vegetables to your system. Need grain? Eat chicken. Beef is also a good source of field grass, a green leafy vegetable.

Q: What are some advantages of participating in a regular exercise program?

A: Can't think of a single one. My philosophy is: No Pain... Good!

Q: Aren't fried foods bad for you?

A: YOU'RE NOT LISTENING!! Foods are fried in vegetable oil these days. In fact, they're permeated with it. How could getting more vegetables be bad for you?

Q: Will sit-ups help prevent me from getting a little soft around the middle?

A: Definitely not! When you exercise a muscle, it gets bigger. You should only be doing sit-ups if you want a bigger stomach.

Q: How can I calculate my body/fat ratio.

A: Well, if you have a body and you have fat, your ratio is one to one. If you have two bodies, your ratio is two to one, etc.

Q: Is swimming good for your figure?

A: If swimming is good for your figure, explain whales to me.

We hope this advice helps you meet your own health objectives. Of course, the usual disclaimers apply if you actually use this advice to make your dietary choices.

TRAINING OPPORTUNITIES

Fundamentals of APHIS Human Resource Management (FAHRM)

(Required Training for New APHIS Supervisors in a Probationary Status)

The **Fundamentals of APHIS Human Resource Management (FAHRM)** Blended Learning course complies with the requirements stated in APHIS Directive 4315.1 dated April 8, 2005, for **all new APHIS supervisors** to demonstrate competency in Human Resources Management (HRM). The leadership competency requirements for supervisors and managers are listed under the heading of APHIS Leadership Effectiveness Framework (APHIS LEF) at the Training and Development Branch website. The email address is www.aphis.usda.gov/mrpbs/index.html. At this screen, select “Training and Employee Development, Non-Technical Training.” The APHIS LEF is Appendix 2 of the Using Learning Contracts brochure listed.

The HRM performance requirements read: “ensures effective recruitment, selection, training, performance appraisal, recognition, and corrective/ disciplinary action; promotes affirmative employment, good labor relations and employee well-being.” FAHRM includes almost 40 hours of classroom instruction, three AgLearn self-paced modules requiring registration and certification of completion, over 12 hours of web seminars (using the telephone and the internet) and other self-paced, self-study learning required to meet the above stated HRM requirements.

Application and Enrollment Procedures. The FAHRM Training Announcement for calendar year 2006 with course dates, locations, application and enrollment process, and APHIS 601, FAHRM course application, is found at the Training and Development website address:

www.aphis.gov/mrpbs/training_employee_development.html

JUNE CLASS: The next FAHRM course will be held in **Nashville, Tennessee** from **June 5 to 9, 2006** (classroom instruction). **PLEASE NOTE** that the classroom hours are Monday to Thursday, 8:00 a.m. to 4:30 p.m., and Friday, 8:00 a.m. to 1:00 p.m. Other pertinent information regarding this class is as follows:

Web Seminar Dates: May 23 – 26, 2006 (1:00 – 3:00 p.m. ET)

Deadline for Applications: April 11, 2006 (COB)

JULY CLASS: A training session for Team Leaders will be held in **Riverdale, Maryland** from **July 10 to 14, 2006**. Times will be the same as those cited above. Web seminars will not be required. However, there will be various AgLearn and CD-based learning assignments required. The deadline for applications is **May 9, 2006**.

For Additional Information Contact:

FAHRM Program Manager, 301-734-8554 or betsy.m.guardiola@aphis.usda.gov

FAHRM Program Assistant, 301-734-5551 or Tanya.briscoe@aphis.usda.gov

In addition to the training opportunity listed above, we encourage you to take advantage of the many other training opportunities, offered through a variety of sources, which will help you to effectively carry out your supervisory responsibilities. The employee development staffs in the MRP agencies can help you identify such opportunities.

Previous issues of the Bulletin are available at www.aphis.usda.gov/mrpbs. Just click “Human Resources” and then “Employee Relations.” Questions, comments and ideas for future Bulletin articles can be directed to ER.Bulletin@aphis.usda.gov.

EMPLOYEE RELATIONS DIRECTORY

APHIS

Riverdale

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Rene Wing, Assistant to the Branch Chief (located in Fort Collins) – Centers for Epidemiology and Animal Health, and all other HQ programs not serviced by Oris Brown (see below) (970) 494-7416
Rudy Zuniga, HR Assistant (301) 734-4414
Oris Brown, ERS – HQ Plant Protection & Quarantine (PPQ), HQ Animal Care (AC) and Biotechnology and Regulatory Services (all locations) (301) 734-4992
FAX: (301) 734-6351

Minneapolis/Fort Collins (Western Region)

Joan Carlson, *Team Leader* - Center for Veterinary Biologics, National VS Laboratories (612) 336-3299
Milo Christianson, ERS - MRPBS-Minneapolis, Wildlife Services (WS), Customer Training, Special Projects, MSPB Assistance (612) 336-3215
Linda Hatfield, HR Assistant - National Agency Checks/Inquiries (NACI) (612) 336-3292
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Sandy Davis-Conway, ERS - Fruit & Vegetables, Tobacco (202) 205-3855
Keela Harris, ER Assistant (202) 720-1055
Kimberly Meyer-Chambers, ERS – GIPSA, Transportation & Marketing (301) 734-7489
Mary Royster, ERS - MRP Ethics Advisor (Financial Disclosures, Outside Employment, Conflicts of Interest) (202) 720-9858
Kelly Spence, ERS – Cotton, Dairy, Poultry, Science & Technology (202) 720-9455
Jason Thomas, ERS – Fruit & Vegetables, Livestock & Seed (202) 690-3011
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